

REMARKS

Previously, claims 1, 8-10, 12-13, 20, 28-30, 33-35, and 40-43 were pending and under consideration. In the present paper, claims 1, 8-10, 12-13, 20, 28-30, 33-35, and 40-43 are cancelled without prejudice to Applicants' right to pursue the cancelled subject matter in one or more related applications and new claims 44-63 are presented for consideration. Thus, following entry of the present amendment, claims 44-63 will be pending and under consideration.

I. The Amendments to the Claims

In the present paper, claims 1, 8-10, 12-13, 20, 28-30, 33-35, and 40-43 and claims 44-63 are presented for consideration. New claims 44-63 are fully supported by the application as filed and thus present no new matter. Specific support for the new claims is shown below; for convenience, all references to the specification are to the version published as US Patent Publication No. 2003/0087853.

Specific support for new claim 44 may be found, for example, in the specification at paragraphs 26, 27, 31, 32, 40, 61, 63, and 292; in Table 1; and in original claim 11. Specific support for new claim 45 may be found, for example, in original claim 8. Specific support for new claim 46 may be found, for example, in original claim 9. Specific support for new claim 47 may be found, for example, in original claim 10. Specific support for new claim 48 may be found, for example, in original claim 20.

Specific support for new claim 49 may be found, for example, in original claim 6. Specific support for new claim 50 may be found, for example, in the specification at paragraphs 49 and 50. Specific support for new claim 51 may be found, for example, in original claim 7. Specific support for new claims 52 and 53 may be found, for example, in the specification at paragraph 50.

Specific support for new claim 54 may be found, for example, in original claim 4. Specific support for new claim 55 may be found, for example, in original claim 5. Specific support for new claims 56-59 may be found, for example, in the specification at paragraph 291 and in Table 1. Specific support for new claim 60 may be found, for example, in the specification at paragraph 61.

Specific support for new claim 61 may be found, for example, in the specification at paragraph 65. Specific support for new claim 62 may be found, for example, in the specification at paragraphs 68 and 71 and original claim 12. Specific support for new claim 63 may be found, for example, in original claim 13.

As the amendments to the claims are fully supported by the application as filed, they present no new matter. Accordingly, entry of the present amendments to the claims is hereby respectfully requested under 37 C.F.R. § 1.114.

II. New Claims 44-63 Are Not Obvious over the Cited Combination of References

Claims 1, 8-10, 12-13, 20, 28-30, 33-35, and 40-43 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Rouy *et al.* (U.S. Patent No. 6,512,161) and Eggerman *et al.* (IDS 04-06-05) in view of GenBank Accession No. NM_000384, Monia *et al.* (U.S. Patent No. 5,656,612), Agrawal *et al.* (2000, *Mol. Med. Today*, 6(2): 72-81), and Wengel *et al.* (U.S. Patent Application Publication No. 2002/0068708A1), and further in view of Bennet *et al.* (U.S. Patent No. 6,172,216). Without acquiescing to the propriety of the rejection and without any disclaimer of the subject matter of claims 1, 8-10, 12-13, 20, 28-30, 33-35, and 40-43, Applicants respectfully submit the rejection is moot in view of the cancellation of claims 1, 8-10, 12-13, 20, 28-30, 33-35, and 40-43.


Applicants further respectfully submit that new claims 44-63 are not obvious over the combination of cited references. In particular, Applicants respectfully submit that none of the cited references, whether considered alone or in combination, teach or suggest an oligonucleotide that comprises, *inter alia*, at least 8 consecutive nucleobases of SEQ ID NO:27. As such, new claim 44, and new claims 45-63 depending therefrom, are not obvious over the cited references. *See Takeda Chemical Industries, LTD v. Alphapharm Pty, Ltd.*, 83 USPQ2d 1169 (Fed. Cir. 2007). Accordingly, Applicants respectfully request that the rejection of the claims as obvious over Rouy *et al.* and Eggerman *et al.* in view of GenBank Accession No. NM_000384, Monia *et al.*, Agrawal *et al.*, Wengel *et al.*, and Bennet *et al.* be withdrawn.

CONCLUSION

In light of the above remarks, Applicants respectfully request that the PTO reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 739-3949, if a telephone call could help resolve any issues.

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Respectfully submitted,


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